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T-988 P.002/003 F-129

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Practitioner's Docket No.: 791_183

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Norikazu NISHIYAMA, Yasuyuki EGASHIRA and
Korekazu UEYAMA

Ser. No.: 10/068,491

Art Unit: 1754

Filed: February 5, 2002

Examiner: Nguyen, N.

Confirmation No.: 7267

For: MESOPOROUS SILICA, MESOPOROUS SILICA COMPOSITE MATERIAL,
AND PROCESSES FOR PRODUCTION THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATION OF FACSIMILE
TRANSMISSION

I hereby certify that this paper is being facsimile
transmitted to Examiner Ngoc Yen M. Nguyen at
(703) 872-9306 at the Patent and Trademark
Office on April 22, 2004.

Elizabeth A. VanAntwerp
Elizabeth A. VanAntwerp

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action mailed March 26, 2004, applicants hereby
provisionally elect, with traverse, to prosecute the claims of Group II (claims 8-11) in this
application.

However, applicants respectfully traverse the restriction requirement since the subject
matter of claims 1 - 13 is sufficiently related that a thorough and complete search for the
subject matter of the elected claims would necessarily encompass a thorough and complete
search for the subject matter of the non-elected claims. Thus, it is respectfully submitted that
search and examination of the entire application could be made without serious burden. See
MPEP §803 in which it is clearly stated that "[i]f the search and examination of an entire

application can be made without serious burden, the Examiner must examine it on the merits." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to applicants and improper duplicative examination by the Patent Office.

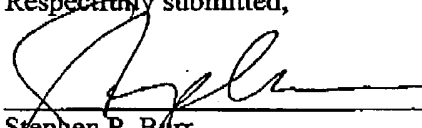
If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

April 22, 2004

Date



Stephen P. Burr
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FAX Transmission Sheet

April 22, 2004

To: Examiner Ngoc Yen M. Nguyen Fax No. (703) 872-9306
From: Stephen P. Burr Fax No. (315) 233-8320
Re: In re the Application of: Norikazu NISHIYAMA, Yasuyuki EGASHIRA and
Korekazu UEYAMA
Serial No.: 10/068,491 Art Unit: 1754
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Our Docket No.: 791_183

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COMMENTS:

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<u>Paper</u>	<u># of Pages</u>
1. Response to Restriction Requirement	<u>2</u>

Total Pages (including cover page) 3

Elizabeth A. VanAntwerp

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